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The
**SCREEN
GUILDS'**
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IN THIS ISSUE
THE GUILD'S ANSWER
to the Academy's "Proposed
Revised Basic Agreement
and Writer-Producer
Code of Practice"



And A Lot About Agents -- !!

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The Academy Writer-Producer Agreement - - - - -

Why Do Producers Think The Screen Writers' Guild Dangerous?

Why Do They Want To Kill It?

Why Are Deals Made By Producers Through The Academy Worthless?

THE producer, like all employers, has no illusions about employee organizations. He knows that they lend strength to the weak and that sooner or later what he has given to one employee as a favor shall be demanded for all as a just right. So he scotches and eliminates employee organizations wherever he can.

The Screen Writers' Guild, with its eight hundred members banded together under the democratic and at the same time tightly bound form of Guild organization, fills the producer with foreboding. These are the people who write most of the pictures in Hollywood. The producer's normal sense of an orderly business is outraged by the fact that there are people who actually demand rights; at the same time it is troubled by the prospect of "agitation". He doesn't like "agitation". It makes people in New York and Washington scrutinize the business too closely.

So, faced by the Guild in its strength, he casts about for other ingenious ways of bringing about the same ends; that is, hamstringing the Guild.

II

IN the days Before Sound, when Hollywood was just struggling out of its adolescence and beginning to assume some of the proportions of maturity, the producers woke to the fact that they might soon have a problem on their hands. Labor. That is, writers, actors, directors, and technicians were beginning to be self-conscious of their group value to the business. At that time the American Idea, the idea of a "company union" had taken deep root in industrial life all over California. A company union is a protective organization of workers in which the man from whom you have to protect yourself tells you how to do it. He tries to convince you that he is really more of a father than

a boss, and that any time you have to be punished for infraction of the rules it hurts him more than it does you.

But the picture producers had a problem here. Nobody had yet mentioned the word union among creative workers in Hollywood. It was practically a foreign phrase. It is true that The Screen Writers' Guild had existed as a part of the Authors' League of America since the early 1920's, but writers took what was given them, were glad to get it, and never raised as much as a whisper.

To get for themselves the advantages of a company union before somebody else should happen to think of starting a labor union, and in order that the dread phrase might be kept out of the community consciousness as long as possible, the producers, led by Mr. Louis B. Mayer, a few actor producers and a few producer-minded writers and directors, met and formed the Academy of Motion Picture Arts and Sciences.

THE Academy, as everyone knows, was to hold banquets, confer statues and other forms of *ordres pour la merite*, and incidentally police the industry. On the surface these objectives were praiseworthy. The hitch, however, as it took quite a while for the talent classes to discover, lay in the fact that the policing was to be done by an oligarchy. On the Academy board of directors, each class was represented by three men. Unhampered at that time by any mandates from their constituents, these three made their decisions with three producers staring them in the face.

Under these circumstances most men would, and did, always think twice before telling three producers to go to hell. In plain language, the Academy became a very clever instrument by which the producers could, by psychological pressure, make the talent classes go in the

direction in which the producers wanted them to go, without open dissension. It is probably one of the cleverest devices ever invented in American industrial life, by which the employer guides the actions of his employees with silken threads.

THE company union in its general form is usually a plant union. It represents all classes of employees in one single plant out of a whole industry. Here, by an accident of climate, a company union could be formed in which important classes of employees in all the plants in an entire industry could be dominated.

The Academy resents being called a company union. The few actors and writers who still remain in it cannot help but see in this phrase an imputation of disloyalty to their fellow workers. The producers naturally resent the term because it calls attention to methods and purposes which they would much rather keep under cover. A great deal of show has been made of the increasingly democratic organization of the Academy, by which committees governing each class have autonomy over the legislation for that class. But this show of fairness and democracy is usual in all company unions.

It is also typical of a familiar method in American political and economic life, by which powerful and privileged interests place in power selected individuals who are in a large part unconscious that they are merely putting on a great show of democratic processes to mask what is going on underneath. This is not to say that all craft representatives in the Academy don't know they are doing the producers' work. But the facts in the history of the Academy speak louder than any generalizations.

III

THE Academy first was called to the attention of the industry as more than a mere pink ribbon around the neck of the business when, in 1927, the producers decided for the first time in the history of motion pictures to put into effect a ten percent cut on all the talent classes. The announcement produced such resentment that in their fright the producers ran for cover to the portals of their newly erected edi-

... Another Attempt To Destroy The Guild

fice, the Academy. Producer explanations of why they had abandoned the cut gave rise to the suspicion that it was merely a postponement, and that they hoped to obtain the same results under Academy procedure. This suspicion was borne out in 1933 when the producers tried to put in effect a fifty percent cut, using the machinery of the Academy to put it over. And they were successful. The Academy reacted true to form.

When the banks closed in 1933 the producers proclaimed loudly that money could not be moved from state to state and that therefore they would not receive their accustomed receipts during the bank moratorium. Without waiting for any proof that this would be true, they bluntly told the talent members of the board of directors of the Academy that if they did not order their brothers in the industry to accept a fifty percent cut, they would be held responsible by everyone for closing down the entire industry and throwing thousands out of work. There is no reason to believe the studios would actually have been closed. It would have been too costly in every way. But, as usual, the talent members of the board of directors, with the producers eyeing them balefully, did, except for a few unpopular valiants, cave in. They delivered the industry over, bag and baggage, to its masters.

The producers promised not to put the cut into effect unless the craft unions—carpenters, electricians, etcetera—accepted it.

They also promised to take a cut on their producers' bonuses.

To this date nobody knows what happened to the cut on the bonuses.

The unions did not accept the cut.

THREE is no proof to this day that the producers needed the money, amounting to several million dollars, which they took from the talent classes during the ten weeks or more duration of the cut. Needless to say, they have never made any move to restore this blunder.

The significance of this dirty chapter in Hollywood history lies in the fact that the Academy was the medium through which wholesale theft was committed under the guise of necessity and parliamentary processes. It is also significant that the craft unions, organized as The Screen Writers' Guild is now or-

ganized, did not have to and did not give in to this hijacking at the point of the producer's gun.

It will be remembered that it was this wholesale pillage of the pocketbook of writers and others which produced the reorganization of The Screen Writers' Guild.

The Guild frightened the producers at the very beginning. It shouted so loudly and vigorously, with a new power of organization behind it, against further thievery of the kind it had suffered, that from that time on the producers decided that the Guild, like Carthage, must be destroyed.

THE first move was a direct interference in the organization of the Guild, a tasty bit of history heretofore unrevealed. At the time of reorganization of the Guild, a great many writers who saw merit in a union of the talent classes believed that the potential merits of the Academy might be saved by the elimination of producer members and dominance, however concealed. The idea of an Academy with the producers eliminated was broached to several writers by a prominent member of that body. When his listeners grasped at this possibility, they were told, however, that no action could be taken unless they would agree to cease the reorganization of The Screen Writers' Guild. The offer was rejected. It then became apparent in the ensuing discussion that there had never been any intention on the part of this gentleman and his friends of carrying the offer through to its promised conclusion.

If the reorganization of the Guild had been stopped, the project of a producerless Academy would somehow have disappeared, as had so often happened with other matters in the complicated convolutions of Academy machinery.

A noteworthy instance of this brilliant sleight-of-hand lies in what became known in the Academy as the Producers' Arbitration Agreement. The Producers' Association alarmed by the low ethical plane of its members, as evidenced by the wholesale theft of talent from each other, formed an agreement under cover of which talent should lose its right to the advantages of competitive bargaining for its services. By the terms of this agreement the producers handed people around to each other with as little competition as possible, thereby keeping salaries on a permanently low level.

It must be admitted that the talent members of the Academy—and this was before the days of the Guild—forced this agreement out into the light of day. But, as usual, the producers let the talent classes win the skirmishes and took the battles themselves. Under cover of a great deal of fanfare it was announced that the talent members of the Academy would be allowed to have a committee that would sit on the sidelines and watch the operation of the Producers' Agreement, with even the right to interfere in protection of anyone who might be injured by this delimitation of free movement. *The Committee sat on exactly one case, the famous Warner Brothers-Cagney case, and then slowly and without any notoriety went into such silent decay, that it left not even an odor behind.*

BUT even the producers should not have been so stupid tactically as they were in their public confession of 1934. The only justification that may be found is that they were frightened by The Screen Writers' Guild. At any rate they put their pens to paper and affirmed the old Academy-writer-producer pact. The Academy issued a bulletin stating, on remorsefully bended knees, as it were, that "Where the administration" of the writer-producer code of 1932 "had been allowed to become lax . . . a more conscientious enforcement from now on has been assured."

In other words, boys and girls, the producers didn't mean to keep their word in the first place, but now that the Academy appeared to be in danger they had better make it look as if they had meant to.

The attempts made by producers to destroy the Guild have been numerous. After the Guilds had forced the producers to a series of abortive bargaining sessions under NRA auspices, the producers made a counter proposal. They would change the name of the Academy to the Institute. They would make numerous concessions—quite astonishing on their surface. All the members of the Guild should become members of the writers' branch of the Institute, and the Guild would be even countenanced as a friend—some distance away in quiet and peaceful retirement. Almost everything the Guild wanted would be given to the writers' branch of the Institute, but the writers must be in the Institute to get it.

Nobody rose to this bait. The present revision of the Academy Writer-Producer Code, containing in it a spurious duplicate of demands made by writers through the NRA Five-Five Committees, is the newest and most deliberate attempt to destroy the Guild. Changes in working conditions, at the suggestion of which five years ago producers shook

their heads in horror, they now appear to be granting with charming grace. It is inconceivable that the Producers have had a change of heart. It is the menace of the Guild's organized power which has forced them to seem to give in, and purr, "How could you misunderstand—we've loved you all the time."

But an analysis of these new "im-

provements" will disclose how counterfeit these protestations of affection are. Back of them always lies the machinery of the Academy—with its peculiar air of duplicity, its peculiar psychology of knee-bending—and the ever-present, friendly producer's hand, so ready to reach at the next moment for the black-list he keeps under the blotter.

Let's Adopt The Orphan

IT is generally agreed that the theatre in Los Angeles has fallen to a very low estate and last month's SCREEN GUILDS' MAGAZINE made full acknowledgement of this sad truth through the medium of several articles expressing various viewpoints of the same subject. Among them Mr. Ivan Simpson's appeal to the screen actor, "for the good of his soul" not to cut himself off entirely from the theatre, must have struck many a responsive chord, while Mr. Edwin Schallert's keen and realistic analysis of the conditions which have led to the present state of things shows clearly the difficulty, not to say the hopelessness, of any campaign to return to the old order. Mr. Harlan Thompson's suggestion is constructive and forward-looking, but for the finished edifice which he envisions foundations have yet to be planned.

Without too much repetition of accepted facts, the present situation may be summed up in three straightforward statements. Exceptions to these could be advanced, but only just sufficient to prove the rule. There is no really first-class theatrical organization in Los Angeles. There is a wish among backstage folk to see such a theatre established, and an audience for the front of the house if only it could be rounded up. There is one great obstacle, the fact that moving-pictures claim the entire time and attention of all actors, writers, and directors of real prominence.

The producer is not mentioned above because he is inseparable from another question, that of capital, or backing. But if the question of the supply of plays, directors, and actors could be answered, the producer and the capital would be automatically forthcoming. Meanwhile, in the suggestion now to be put forward, they become unessential, at any rate for the present.

A REALLY fine permanent theatre in and of this city is at this moment a dim and distant vision. The road to

it looks long and hard. But when the first few steps have been taken along that road, who knows how it may not open up, or what that vision may not grow to be on near approach? The Screen Guilds could lead the way, for those first few steps at least. They have a splendid organization, machinery that really works. That machinery has proved its efficiency in various directions. This new demand would not be beyond its power.

As a beginning, a one-year plan is here suggested, on the model of the Incorporated Stage Society of London, which functioned successfully for many years, and showed the way to a number of similar organizations. The object was to produce fine plays which for various reasons were difficult to sell to the commercial theatre, and the aim was to produce them in the finest manner, with the finest obtainable casts. Only two performances were given of each production, on a Sunday night and a Monday matinee. Director and cast were picked by invitation from among the most prominent and successful people in London, most of them currently appearing in regular commercial successes. Capital was obtained by sale of memberships in the Society and sub-

scriptions for seats to either the full year's series or single performances.

WHY could not the Guilds sponsor a similar plan? A series of four or five productions might be projected, and subscriptions sold ahead. Guild members and their best contacts should be first on the list, then with a few good names to start the ball rolling the right kind of public would soon rally round. Productions could be made at intervals of about ten weeks, and play two performances apiece, either a Sunday and Monday night, or two successive Sundays. Rehearsals would be conducted two or three evenings a week, from 8 to 11, other preparation at other convenient times. Picture work would not be interfered with, and the sky would be the limit in quality of casts obtainable.

There would be no salaries, but possibly a tiny expense-check all around to preserve everyone's professional status. In London, people invited to work for the Stage Society considered it an honor. For them too there was a tiny check for the sake of appearances, but they were glad to do it for their art's sake, for the opportunity to play fine parts and broaden their professional scope. They had fun, and so did their very distinguished audiences. And occasionally a commercial pearl turned up among their uncommercial plays. "Journey's End" got its first showing with one of the Sunday-producing societies.

Once more let it be thoroughly understood that this one-year plan is intended to be only the very thin end of a wedge. A permanent commercial establishment of the highest class, like Mr. Harlan Thompson's, or bigger, still would be the final goal.

How about it, the Guilds?

Comparison of Guild Demands and The Academy's

ON Wednesday, September 25, the Academy announced it had concluded several months of conferences between committees of writers and producers and that a revised Academy basic agreement and writer-producer code of practice had been drawn up. The next day all writers then employed received a copy of the Academy Bulletin containing the proposed agreement. That the move was an obvious attempt to destroy the Guild—and the Aca-

demy's reason for it—has been explained on the three preceding pages of this issue.

The statements to the press were surprising to writers, to say the least. It appeared that the new pact contained a number of concessions to writers—concessions for which they had asked in the brief that The Screen Writers' Guild Five-Five Committee, under NRA, submitted to Washington more than nine months ago.

It seemed incredible—deserving of investigation and analysis. Accordingly, the Guild asked its attorneys to analyze the provisions and compare them with the Guild's demands.

The following is the analysis of the Academy "Proposed Revised Basic Agreement and Writer-Producer Code of Practice," as printed in the Academy Bulletin, and is not based on the statements released to the press.

Guild Demands

1. *Written contracts: required in all cases.*
2. *Delivery of contracts: in force only when signed and delivered by both parties.*
3. *Writing on speculation: prohibited when initiated by a producer, except in case of royalty contracts.*
4. *Compensation for free lance writers: 25 per cent of agreed price at time of contract; balance on delivery except in case of originals where paid on acceptance.*
5. *Producer may take option agreements for successive operations in the preparation of final screen play, but must specify the number of days within which the option may be exercised.*
6. *Termination of week to week contracts: one week's notice.*
7. *Lay-offs:*
 - A. *Where a producer has arbitrary option:*
 - (1) *One week's notice in writing must be given.*
 - (2) *Lay-off period not more than 12 weeks in one year, or proportionate period for longer or shorter contracts.*
 - (3) *Lay-off for minimum of 7 days and notice must specify duration.*

Academy Proposals

1. *After employment, a written contract must be tendered to the writer, containing nothing contradictory to the "basic agreement." Nothing to prevent waiver of written contract.*
2. *A peculiar provision that leaves it to oral evidence when contract is enforced. Producer need not sign.*
3. *Prohibited except on original stories.*
4. *Upon delivery of completed adaptation and treatment first drafts or final screen play a "specified amount" shall be paid the writer. No provision for payment of balance. "Specified amount" to be agreed upon in advance.*
5. *Granted.*
6. *A free lance writer who has worked for a producer on a week to week basis for not less than ten consecutive weeks at a salary of \$500.00 per week, or less, must give and receive one week's notice.*
7. *Lay-offs:*
 - A. *Where a producer has arbitrary option:*
 - (1) *Five days notice in writing unless writer "voluntarily accepts" shorter notice. (Waiver invited).*
 - (2) *No provision.*
 - (3) *Minimum of 7 days but notice not required to state duration.*

Proposed Revised Writer-Producer Agreement

Guild Demands

(Continued)

(4) *Writer not on call during lay-off and may do other work.*

B. *Where option is granted because of "strikes and unavoidable casualties" etc.:*

(1) *Period limited to one week for each three months of contract at no pay and one week for each three months of contract at one-half pay.*

8. *Travel time: Full pay and all travelling expenses back and forth while on location outside of city where producer has studio.*

9. *Loans: must have writer's written consent.*

10. *Plagiarism liability: no liability for costs, expenses or attorney's fees of producer if plagiarism not established.*

11. *Waiver: any attempt at waiver is void.*

12. *Arbitration: disinterested arbitration; writer to pick organization to act for him.*

13. *Black list: prohibited.*

14. *Agreements between producers to prevent competitive bidding for writers forbidden.*

15. *Enforcement: producers bind themselves by contract with a representative writer body to continue to give whatever they promise.*

Academy Proposals

(Continued)

(4) *No provision.*

B. *Where option is granted because of "strikes and unavoidable casualties" etc.:*

(1) *No provision. "Basic agreement" specifically states not to apply to such cases.*

8. *No provision.*

9. *No provision.*

10. *Granted.*

11. *No provision.*

12. *No provision. Even minor disputes must be adjusted by litigation.*

13. *No provision.*

14. *No provision.*

15. *Litigation.*

Screen

Provisions too lengthy to be analyzed in detail here. Our demands are substantially granted except as to the machinery for adjusting credit disputes. The following provisions of the "Basic Agreement" make credit provisions puerile and meaningless.

1. Producer shall send notice of tentative determination of screen credits to all "substantial contributors." The question of who is a "substantial contributor" determined exclusively by the producer. Such notice may be sent to the Academy instead of the writer, thus ending the

Credits

producer's responsibility to deliver it. If no protest is received within a "specified time" (not earlier than 6:00 p. m. on the day after notices are sent), *the producer's tentative determination becomes final or he may change the allocation of credits in any way he sees fit.*

2. Appeal may be taken from the producer's determination of credit to the Writers' Adjustment Committee of the Academy. Finding of the committee is "final" but a finding "that the credits have been improperly allocated on the screen shall not obligate the producer to change the same."

Best Performance of September

AN American dancer and two English Actors divide the honors in the September Poll of the Screen Actors' Guild for the Best Performance of the Month. A total of thirteen players from eight pictures received votes in the ballot. This was a much narrower range of selection than for August when twenty players from fifteen pictures were in the running. With the Fall season bringing forth increasing numbers of outstanding productions, competition for the awards is growing keener and the next three months until the end of the year promise to present a severe problem of selection to the members of the Guild.

Top honors go to the man with the flying feet, Fred Astaire, for his performance as Jerry Travers in R.K.O.'s big musical production, "Top Hat." This ingratiating player is evidently as great a favorite with his fellow artists as with the general public.

HERE come the British, bang! bang! Merle Oberon receives First Honorable Mention for her performance as Kitty Vane in "The Dark Angel," produced by Samuel Goldwyn. In the opinion of her colleagues, as expressed by their votes, this young English actress made the most of her opportunities, giving a memorable portrayal in this remake of the famous production.

Second Honorable Mention is awarded to Robert Donat for his performance as Richard Hannay in the Gaumont-British production "The Thirty-nine Steps." This part is in strong contrast to his big American success, "The Count of Monte Cristo."

Undoubtedly these September selections will rank high in the balloting for the Screen Actors' Guild first Annual Award for the Best Performance of 1935 when the vote is taken in January.

Best Performance

Fred Astaire

as Jerry Travers in

"TOP HAT"

Produced by R. K. O.-Radio

HONORABLE MENTION

Merle Oberon

as Kitty Vane in

"THE DARK ANGEL"

Produced by Sam Goldwyn
Released by United Artists

Robert Donat

as Richard Hannay in

"THE THIRTY-NINE STEPS"

Produced by Gaumont British
Released by Fox Film Corp.

Best Screen Play

"THE GAY DECEPTION"

Original Screen Play by

Stephen Morehouse Avery and Don Hartman
Produced by Fox Film Corp.

HONORABLE MENTION

"THE DARK ANGEL"

Screen Play by

Lillian Hellman and Mordaunt Sharp
Original Play by Guy Bolton
Produced by Sam Goldwyn
Released by United Artists

"BROADWAY MELODY OF 1936"

Screen Play by Jack McGowan and Sid Silvers
Additional Dialogue by Harry Conn
Original Story by Moss Hart
Produced by Metro-Goldwyn-Mayer

Los Angeles Releases

August 26 to September 21

Annapolis Farewell—Paramount.
Big Broadcast of 1936—Paramount.
Bright Lights—Warner Bros.
Broadway Melody of 1936—M.G.M.
China Seas—M.G.M.
Clairvoyant—Gaumont British.
Dark Angel—Sam Goldwyn.
Depression Is Over, The—Nero Films.
Gay Deception, The—20th Cent.-Fox.
Here Comes Cookie—Paramount.
Hot Tip—R.K.O.
Moscow Laughs—Moscow Films.
Nora O'Neill—Du World.
Page Miss Glory—Warner Bros.
Red Heads on Parade—Fox.
Romance in Budapest—Universal Hunnia.
Smart Girl—Paramount.
This Woman Is Mine—Paramount.
Thirty-Nine Steps, The—Gaumont British.
Thunder Mountain—Fox.
Top Hat—R.K.O.
Welcome Home—Fox.
We're in the Money—Warner Bros.

Best Screen Play of September

COMPETITION for The Screen Writers' Guild award for the Best Screen Play of September was exceedingly close with the final count giving the selection to Stephen Morehouse Avery and Don Hartman for their original screen play, "The Gay Deception." This clever comedy was produced by Jesse Lasky for Twentieth Century-Fox.

Among Mr. Avery's late credits are "Wharf Angel", "Pursuit of Happiness" and "Our Little Girl". Don Hartman has written originals or screen plays on the following recent pictures: "Romance in Manhattan", "Here Comes Cookie", "Coronado" and "Red Heads on Parade."

First Honorable Mention was won by Lillian Hellman and Mordaunt Sharp for the screen play of "The Dark Angel", adapted to the screen from Guy Bolton's play of the same name. This was produced by Samuel Goldwyn for United Artists. Miss Hellman's New York stage success, "The Children's Hour", is to be produced as a picture this season. These two playwrights showed their adaptability and feeling for the motion picture medium

by preparing such an excellent screen play, in the opinion of their fellow workers.

Second Honorable Mention goes to Jack McGowan and Sid Silvers for their screen play of "Broadway Melody of 1936", Metro-Goldwyn-Mayer's big musical. Harry Conn, who writes Jack Benny's radio programs, is credited with additional dialogue on this production, which was based on an original story by Moss Hart. Sid Silvers not only collaborated on the screen play but demonstrated his versatility by playing a big part in the picture.

We Apologize, Mr. Chandler

DUE to incorrect information, a mistake was made in the Award for First Honorable Mention for August. Roy Chanslor instead of Robert Andrews should have received credit, jointly with Laird Doyle and Lillie Hayward, for the screen play of "Front Page Woman." We are extremely sorry this error was made and wish, however belatedly, to give Mr. Chanslor the full credit due him.

Who Serves Who ... And Who Pays?

IN devoting this issue of the MAGAZINE chiefly to the subject of agents, we want to state most emphatically that the Guild has no ulterior motive in this—no deep-dyed plot to ‘police’ or ‘control’ or in any way to ‘clamp down’ on agents, as the Academy at one time attempted to do.

On the contrary, the Guild is definitely for agents. In our opinion the agent is a necessary and important element in the picture industry. In a recent census taken by the Guild, it was discovered that about ninety percent of Hollywood writers employ agents. The same percentage we believe obtains for actors. This is not surprising.

Artists are seldom good business-men; and even those that are find it advantageous as a rule to be ‘managed’ by someone else. It is difficult and embarrassing to blow one’s own horn. It is difficult to know precisely one’s own marketability. It is well-nigh impossible for a writer or actor to know all openings where he might fit. All this constitutes a business in itself, a needful and eminently proper business which, as our census attested, writers and actors recognize and are willing to pay for.

There seems to exist, however, more misunderstandings and abuses in this branch of the picture business than any other; and it was with the idea of bringing into the open the fundamental troubles with the agenting profession that the Guild offered the pages of its magazine to artist, producer and agent alike for candid and frank expressions and opinions.

By dint of much hard work we managed to get some of these expressions. They are published herewith (unedited and unabridged). But as to their frankness, and judging from the difficulty of obtaining even this meagre measure of ‘candor’ on a subject that concerns all of us most vitally, we can only conclude that in the eyes of both agents and producers the agenting business is apparently an ‘outlaw’ proposition that doesn’t bear being examined into or defined or even honestly discussed.

WE asked three ‘big-shot’ agents to write us an article entitled WHY EVERY ARTIST NEEDS AN AGENT. We tried to get an article entitled THE DIFFICULTIES OF BEING AN AGENT. Agents most certainly argue that every artist does need an agent; and agents are forever

telling their clients of the difficulties that beset their business. These things, honestly set down, would be interesting and valuable for artists to know. But we couldn’t get such articles. Agents felt that such ‘frankness’ might be inimical to their business. Producers, they said, might take offense. AND THE SAME ATTITUDE WAS EXPRESSED BY SEVERAL BIG-SHOT PRODUCERS. They didn’t want to offend the agent.

That at least is interesting and revealing.

That perhaps *au fond* is the real trouble with the agenting business: not fundamentally the relationship between artist and agent, but the relationship of agent and producer.

This is no new idea so far as the Guilds are concerned. From their very inception the two Guilds have expended considerable time and thought on this subtle and knotty problem. Surely, if it were solved, there would be a far greater measure of peace and understanding between employer and employee than exists today. Why then isn’t it being solved? What is standing in the way? WHO is standing in the way?

Perhaps the following resume of the Guilds’ activities in regard to agents might throw a little light on the subject.

TWO years ago the Guilds entertained the entirely reasonable idea of ‘getting together’ with the agents. The Guilds argued that an agent’s interest was certainly allied with the artist’s interest. He derived his income from the income of the artist. His business, his success, depended entirely upon the artist’s success. He was, in brief, the friend, the aid, the adviser and indeed the fiduciary of the artist.

A Guild committee, after making a careful study of the subject, got together with a group of serious-minded agents with the idea of formulating a code of fair practice. This code was finally evolved to the satisfaction of both committees. Among the many benefits it afforded the artist were these:

(a) It set up a commission of Conciliation and Arbitration that would settle all disputes between artists and agents.

(b) It defined and ruled against all forms of malpractice in agenting operations.

(c) It gave the artist swift and im-

mediate relief from contracts proven to be unfair and disadvantageous.

(d) It stipulated that the agent should specify the NAME OF THE INDIVIDUAL who was to handle the artist’s business so that the artist could not be signed by the head of a big agency corporation and then be turned over to an incompetent subordinate.

(e) It defined and ruled against all secret agreements and manipulations between agents and producers.

There were twenty-odd articles of accord in this proposed Code of Fair Practice.

But the deal didn’t go through. It was based upon the understanding that the agents would form themselves into an organization such as the Artists’ Managers Association with PENALTIES for infraction of the rules and ENFORCEMENT MACHINERY (because what use is a contract without penalties and forfeits for breaking it?). But this set-up apparently was too centralized and powerful for certain agents. The ‘racketeers’ evidently so outnumbered the honest agents that the whole project had finally to be abandoned.

ONE major issue however came to light out of those negotiations—an issue that was well worth all the time and thought and heart-break expended upon it by both writer- and agent-committees. And that was this: It proved (the document attests to it) that ALL the grievances of talent against agent, and of agent against talent, could be ironed out, and standards of the agency business raised to those of a dignified and respected profession.

The basic trouble does not lie in the differences between artists and agents. The fly in the ointment is, and always has been, the Producer, who has cynically scorned all measures of fair play and has endeavored ALWAYS to control and corrupt the agent.

The old vaudeville booking office was the classic example of this. It sought and succeeded in making the agent the absolute tool of the producer. The result was graft, corruption and the heinous betrayal of talent.

Shortly following the fifty-percent cut (March, 1933) the producers again attempted to control the agenting business by creating a central casting bureau. This was an insidious device de-

(Continued on Page 20)

Agency Situation "Most Unusual"

LIKE the Hollywood climate, the Agency situation is "Most unusual." But there is little more to be done about the one than the other.

There are arguments both for and against Agents of any kind. However, the same rain that brings smiles to the farmer brings pneumonia to the man who gets his feet wet.

There are times when I would gladly heave a brick through the Joyce and Selznick windows. At other times, I could fall on an agent's neck and weep with joy. It all depends on whether he is doing something for me or simply "doing" me.

But whatever the mood of the moment, or the fundamental reaction of the individual to the ten-percenter, Hollywood has taken him to spouse, for better or for worse.

A good agent is an undeniably boon; a bad one is an evil in disguise.

If there are defects in the system by which they operate, the remedy to be effective should come from within their own ranks.

There is no doubt that these defects



By Darryl F. Zanuck

...The eminent producer comments on the agency situation.

exist, and that none better than the agents themselves realize this. But the dissatisfaction could be cleared up by an agreement within their own ranks—a compact based upon a code to which they all subscribe and bind themselves in all honor to observe.

Regulation from the outside, merely by pressure, is hardly feasible. Real reform comes from within; the effort to apply external force to anything that cannot be completely enclosed on every side, is a wasted effort. And the Agency idea has become too integrated with our scheme of things to be segregated from the rest of the Hollywood body politic. So we cannot hope to close it and purge it of its faults.

No Need For An Agents' Organization

THERE will never be a complete organization of agents.

Over a period of fifteen years, attempts have been made by individuals or groups to form an association to combat what is pointed at as the evils of this branch of the Industry. The results of all these attempts proved, conclusively, that the agent had no fear of his business being destroyed by the Producer or the Creative Talent; and that in his business it was better to cultivate his home-grown troubles and let them flourish than to control them.

There is a small group of what is called the "better agencies" combined and prepared to meet any attack from an outside source. And this group will meet on five minute's notice, and, collectively and in complete accord, battle any condition that might affect the Agency Business as a whole.

I am firmly of the opinion that to form an Artists' Managers Association, with rules and regulations to make the manager's movements ethical in the operation of his business, would be a great mistake. There is no such set-up of any other factions in this Industry; and in practically every case, in which the agent's activity is called "unethical" the creative talent benefits and the producer rarely is hurt.

I have served on practically every Committee, appointed at various times by groups of agents to meet with producers', actors', writers' and directors' committees, and the Academy. The proposals for alliance between the agents, as an organization, and any of these groups were so completely disadvantageous to the best interests of the agent, that it proved an agent, operating independently of the organization, was in a far better position to carry on his business, than to be governed by a number of "thou shalt nots."

AGENTING is a specialized business—an exciting business, and a continuous battle with all other factions of the Industry. It starts with discovering a personality somewhere; getting him a job; trying to protect the personality's interests by choice of assignments to further his progress, climaxed by stardom, if warranted. Then comes a fight to get all the compensation possible; and a struggle to keep the association of the artist and ward off the efforts of the producer and other agents to break that alliance.

One agent raiding another is no worse than a producer encouraging the actor, who has been brought to him by

By George Frank

...Well-known agent who feels an organization of agents would be a great mistake.

an agent, to do business direct. Nor is it as bad as the talent, who with a degree of success, forgets his obligation to the agent who struggled for him to make that success possible.

You can bet your last white chip that you will never see a complete association, or an Utopia for agents in this business. Associations are formed to impose rules and regulations on everyone but themselves. The Agency Branch of this business was the only one ever asked by other interests to form an association and impose upon itself rules and regulations governing its activities.

Let me see at any time a complete organization of all factions in the Motion Picture Industry with a set of by-laws, governing their individual activity in the method of their operation of their own business, and I will guarantee the agents will gladly organize and subscribe to cooperative working conditions, under which we can all live happily ever after.

The Agent -- Literary or Illiterate?

SOME years ago in New York, peddling my immature literary wares, I met an agent for the first time. He was surprisingly easy to see in his dingy office on Fiftieth Street, that was a combination of an Eighth Avenue second hand book store, and a doctor's study. He wore a somewhat green frock coat, relieved only by an elaborate gold watch chain across his middle. It was, I believe, given to him by William James. He toyed with it, as he dismissed my story, and tempered the hurt by frequent allusions to the careers of Emerson and Whitman and Thoreau. Nineteenth century American transcendentalism was his hobby, I soon discovered, as he traced the careers of the many really distinguished authors he had discovered and brought to the attention of editors and publishers. He lectured me briefly on style and rhetoric, and invited me to return whenever I was satisfied that I had achieved a standard satisfactory to myself. That, curiously enough, was his yardstick.

I left him, somewhat discouraged, to be sure, but convinced that his own part in the world of letters and the drama, was an important one, an essential one, certainly a respected one. I even mused that if one were never quite a writer, one might easily select the career of agent and become, in one fell swoop, critic, philanthropist, and tenant of Modern Grub Street.

Whatever that part of Sunset Boulevard, that has turned into little Madison Avenue, may be called, it is certainly not Grub Street. And yet, behind its quasi-colonial fronts, perhaps the chief topic is writing, and writers, and stories and how to sell them in Burbank and Westwood and Culver City.

WITH some rare sense of a prophecy come true, I find myself on Sunset Boulevard, debating the very same question, and considering in my confusion, precisely what tack to take. I am sufficiently a native son to realize that the outer accoutrements of my Emersonian friend are quite impossible in Hollywood, but I am still far from convinced that his purpose and his function and his point of view are equally impossible. If I did, I should degenerate merely into a relatively highly paid messenger service delivering stories from author to studio, in the constant hope that some lucky stroke would cause a sale, at my customary ten per cent.

Unfortunately, I do not fancy myself a messenger boy. I do believe that the

literary agent has a place in Hollywood. I believe that he is a necessity to the writer and a boon to the writer's employer. I believe he is a compelling, intelligent contribution to the creation of satisfactory motion pictures, whether your definition of satisfactory be box-office or artistic. I believe that his profession deserves to be ranked on the same plane as is that of the literary agent through history, who, through his faith, and penetration and perseverance, has frequently bridged the gap between talent and publication, between obscurity and fame.

These are extravagant words, and I do not blame you for smiling. Those of you who have desks piled with hundreds of dog-eared manuscripts, and filing cabinets crammed with synopsis of horrible stories, are smiling the widest. And, believe me, with reason. All of them have been submitted by agents. Well, it's a cheap word, and one easily obtained by the ten dollars for a license and the ownership of a black leather loose-leaf note book.

DISCRIMINATION, you see, is as sadly lacking in the agency field, as it is in the business which it serves. If an individual picture—except in very special cases—is intended to fill the entertainment needs of both Latin professors and I. R. T. conductors is it any wonder that an individual agent feels no qualms in representing fourteen bit players a slapstick comedian and the literary works of a Concourt Prize winner whose books he is frequently incapable of reading, much less understanding? In no other "literate" business does this condition prevail. The theatre, publishing, magazine, each are so keyed that a deliberate audience is sought and served. Thus, the Atlantic Monthly and Good Housekeeping are not intended for the same readers.

As a result, the agency services within these fields, are also specialized and discriminating. The vaudeville agent does not attempt to market an introspective novel; the literary agent does not try to get forty weeks on Fanchon and Marco time for a juggling act.

Even though the tendency in Hollywood is unquestionably toward reform, it is a long time in coming, and the studios, as much as anything else, are at fault. Until they set standards for agents who represent story material, they will continue to be flooded with thousands of utterly worthless manuscripts, submitted by illiterates. If the

By Leonard Spigelglass

. . . Both sides of the fence from the former Universal Scenario Editor, now in charge of stories and writers for the Zeppo Marx Agency.

studios would but recognize it, a good literary agent, submitting material only with intelligence and a knowledge of the requirements involved, could save them untold exasperation and expense.

THE story editors know this and practice it. But they are frequently futile against the system, so baldly prevailing, of agents circumventing their offices and submitting material to higher-ups. For years, story people have begged, pleaded and demanded that material be submitted nowhere else in the studio. It has never worked, and, pinned down, they'll all admit it. It is still easier to sell a story through a producer than an editor.

Writers, as a matter of fact, demand that stories not be sent through regular reading department channels. God knows why this should be, because, in practically every instance, the editor is an individual of education, intelligence and taste. He will, moreover, judge material on merit.

But the writer, afraid that too many other considerations besides merit, govern the sale of his story, prefers the producer. It is also very true that the writer, somewhat contemptuous of the whole original story business, is frightened of the close scrutiny of a story mind that deeply analyzes, rather than superficially enthuses.

And there is the agent, between these two forces, prevented from performing his essential services, because of a studio that does not avail itself of his judgment, and a writer who thinks of him as a Fuller Brush man. And, speaking of the writer's attitude, there is not a playwright or novelist who is not guided by the opinion of his New York literary agent; there are very few who imagine that their Hollywood agents can even read.

THESE observations have been gathered, believe me, not from the position of an agent, but from that of a story editor. I have suffered, myself,

(Continued on Page 21)

The Agents Reply ...

SEVERAL hoarsely whispered "Wolf", and most of the agents became speechless. We're referring to a symposium we had planned for this issue. It was to present the agent's side of a problem as an interesting article for our readers.

The best method of getting the information, we thought, was through a questionnaire—one that could be answered by the agent in his own office and in his own free time. We made the questions general, since we had no other motive than a search for fact, nor did we want the agent to commit himself on any subject that might be controversial. As a precaution, in case he felt he should say more than necessary, we promised to keep all replies in the strictest confidence.

We sent a letter along with the questionnaire to approximately seventy agents. The letter, we thought, explained everything fully. Maybe we were wrong. Maybe we left something out of the letter. Anyway, it was as follows:

"THE forthcoming issue of THE SCREEN GUILDS' MAGAZINE will be devoted to the problems of the agency business in the Motion Picture Industry. This is in accordance with the policy of THE MAGAZINE to search out and present to the members of both Guilds facts and constructive ideas on every phase of the industry.

"It is our feeling that an expression from the agents themselves is of vital importance in order that all angles may be fully covered. Therefore, we are asking you, as a representative agent, to answer the questions on the attached sheet with as full comments as you desire to make.

"This information will appear without names and will be held in the strictest confidence of the editors. We feel that this method of handling will permit greater freedom of expression.

"This has been prepared solely to bring our common problems to a concrete expression and in order to lay a more solid foundation for the adjustment of these problems, and elimination of abuses and the betterment of relations in the three-way tie-up between client, agent and producer.

"It is necessary for us to ask for a reply by September 28, 1935, in order to include your statements.

"Thank you for your cooperation."

CLEAR enough, don't you think? Yet we were accused of intrigue, or as a trade paper headlined the story which reported the agent's reception of the letter, "GUILDS' QUERY UPSETS AGENTS—FIGURE IT CONTROL TRY."

We needed the answers of at least 25% to get a cross-section. We got 10%. Many others telephoned to explain that they did not wish to commit themselves on paper. Others suggested a round-table discussion (verbal) as the proper method of getting the information. They offered to get about ten agents together one evening to meet with us, and thus we would get the material for the article.

"That might work," we said, and asked them to arrange the meeting at once. They promised. The deadline came and went, and with it, more telephone calls, but as yet, we have not had the discussion.

Consequently, the symposium of agents that follows is not all that it should be. The few answers received were illuminating. There should have been more to present a complete cross-section.

In general, the agents seemed to feel, as one said, "... that a relationship between client and agent, and agent and studio, can scarcely be summed up in generalizations; an agency's experiences must vary with the temperaments and mentalities of the individuals involved ..." With a large number of answers, we hoped to arrive at a general basis.

OUR first question was: "How can the client best cooperate with his agent?" The consensus of answers indicated that the client should realize that the agent's livelihood depends upon the earnings of his client, and, for this reason, the client should have complete faith in his agent. One letter puts it this way: "... by realizing that his agent, himself and his immediate family are probably the only people who are interested in either his career or his earnings. Hence, the closest cooperation should exist between client and agent, and what I have found to be one of the most costly things to a client is the acceptance of gratuitous advice from friends who generally do not know all the facts..."

"How does the agent best serve his client?" we asked next. By most, this was answered in connection with the first question. More specifically, one

A Symposium

answered: "By faithfully treating his client's interests as though that client were his sole client and support."

We included several questions concerning the relationship of the agent and the studios. The third was one of this group: "What suggestion can you make for improving the relationship between the agent and studio?" No agent would comment definitely. Most did generally. The gist of what they said, however, concerned gaining the respect of his studio contacts for the agent's judgment, thereby increasing his value as an agent.

Next we asked: "What can the client do to increase the value of his agent as his representative at the studio?" According to the majority of the answers, the client cannot aid his agent in any other way than in having complete faith in everything his representative does.

THE answers to question five were very interesting. "What are the agent's major difficulties?" it asked. "... (It) is the periodical slump that certain clients run into at times wherein it is extremely difficult even though the artist be good to procure an engagement. This situation happens to most artists at times. The only solution is to put plenty of shoe leather on it on the part of the agent." Another answered: "The increasing resistance on the part of the studios against experiment with and the development of new talent unless imported from the New York stage or Europe . . ."

Unethical tactics on the part of some agents gives the whole business a bad name and creates a difficult situation for the honest and legitimate manager, one answer felt. Another puts it definitely as "The cut-throat competitive tactics of other agents, resulting in continual unrest and dissatisfaction with all agents."

The sixth and seventh questions were lumped together in most of the answers. We asked: "Do you at all times receive full cooperation from the studios?" and "Do any studios object to the agent's work as the representative of his client? If so, how many?" All answered "Yes" to the first, and "No" to the second. Probably more replies would have given us some discussion on these points.

(Continued on Page 26)

Our Charming Ten Percenters

WHAT young actor decided to become an agent, opened offices, got a few actor clients, started peddling them to studios, but grabbed the first job that came along himself?

* * *

What agent, when informed that the writer of the English Coronets was available, turned said writer down on the grounds that he had enough musicians?

* * *

What agent, informed about the untimely death of one of his oldest clients, buzzed for his accountant to find out how much the client owed in commissions and, discovering him several months in arrears, sent fifteen hundred dollars to the clients' widow to take care of hospital expenses, burial charges, etc.?

* * *

What agent tried to sign up a producer's girl-friend and got bounced off the lot for it?

* * *

What agent, when his writer client got a big boost on the third year of his contract, refused to take an increase in commission, saying the writer was solely responsible for the higher salary?

* * *

What agency hires a man to do nothing but service the wants and whims of one female star?

* * *

What agent gives five-cent cigars to studio gatemen to impress his clients—and then can't even get in to see a scenario editor?

* * *

What agent allegedly collected his ten percent from the seller-studio and the buyer-studio on a recent two hundred thousand dollar transaction?

* * *

What agent has a reputed \$100,000 mansion, built on bridge winnings from producers?

WHAT agent actually asked a literary friend of his if the friend knew any angle whereby he, the agent, could sign up Beaumont & Fletcher?

* * *

What agent was barred from what lot because he married the producer's sweetheart, then took in the same producer's pet as a partner in order to regain entree into that studio only to find, a month later, that the partner

had become involved in a jam—and that they were barred again?

* * *

What actor tried to convince his agent that the latter should get more money for his (the actor's) Thespianic talents when his agent that very morning had been informed by the actor's studio that the guy was washed up and should be peddled elsewhere?

* * *

What agent got a writer, working for his very dearest producer-friend, to do a surreptitious script for Producer B and, when it was discovered, tried to duck the whole issue by passing the blame to the writer?

* * *

What agent is so washed up that, unable to get and hold clients for himself, he buys them from other agents just to keep in the swim?

* * *

What agency has two partners with producer-brothers at the same studio but who, because the producers have to lean backwards, can't get a dime's business out of that studio?

* * *

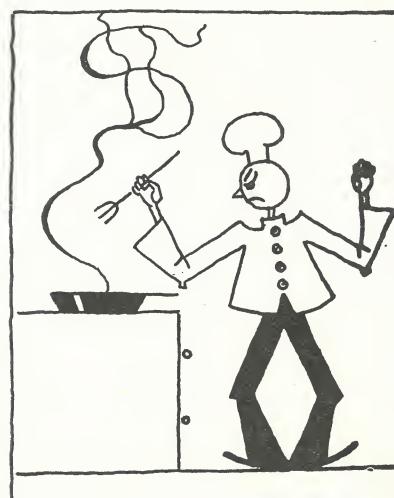
What high-powered agent lived in a \$2,000 a month house, drove a Rolls and used to make clandestine flights into the Imperial Valley to help the Mexican citrus strikers?

* * *

What writer almost lost a job because he had too many agents representing him and finally wound up paying 30% commission?

* * *

What agent can read letters on producers' desk so well upside-down that



By One Who Won't Tell

... and it's all in fun ...

when he gets a right-side-up letter to read, he must turn it upside-down again?

* * *

What agent never charges executive clients commission because they're worth more to him just using his people?

* * *

What actor took a cut in salary for a part he was anxious to play after his agent had already sold him for a higher price?

* * *

What agent always quotes his story sales in odd figures (i. e. \$6666.67) because he figures it intrigues the producer-buyer—and he has proof that it works more than not?

* * *

What agent makes the most story sales in town but, because he has to cut in so many New York and foreign representatives, he hardly clears enough for electric lights?

* * *

WHAT agent himself cooks up a steak dinner for about five leading executives every Friday night because they like his cooking—and he, himself, despises steak?

* * *

What ex-important agent has lost most of his lady clients because he couldn't keep his hands in his pockets?

* * *

What ex-agent made his pile (in four years), closed up his office and has gone back to the selling of high-class used cars, a business he really loves?

* * *

What agent has no desk in his office, just a day-bed, a carafe and a telephone?

* * *

What writer demanded a lower salary than his agent sold him for because he didn't want to pay the agent a larger commission?

* * *

What agent made an internationally known actress out of a non-entity with two words: DON'T TALK!

(Continued on Page 19)

Screen Writers' Guild

THE SCREEN WRITERS' GUILD

of

The Authors' League of America

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Miller R. K. O. Deputy

DURING the past month Seton I. Miller has replaced Joel Sayre as the deputy for The Screen Writers' Guild at R.K.O. Mr. Sayre, completing his assignment there, has gone to Twentieth Century-Fox.

This system of deputies in each studio was instituted by the Board in the hope of expediting and simplifying member contact with the organization. That it was a wise move has already been demonstrated. Various members have expressed their appreciation of the time-saving elements of the system and the great advantages of having a liaison officer easily accessible at all times. Any suggestions for increasing the efficiency of operation under this set-up will be welcomed by the Board and by the deputies themselves.

Advertising

AGAIN the membership is reminded of the great value to be gained for the Guild by including the line "Member of The Screen Writers' Guild" in all advertising copy. Constant repetition of the statement enhances the importance of the organization.

Small cuts bearing this legend will be available to Guild members within the next two weeks at the office of the Guild.

Protect Your Manuscript

by Filing it With

'THE SCREEN WRITERS' GUILD REGISTRATION BUREAU

Guild Offices

1655 North Cherokee Avenue

Fee—50c—Guild Members

1.00—Non-Guild Members

Stenographic Service

THE Guild maintains a stenographic service connection for the benefit of members. It is able to furnish, at a discount, stenographers and secretaries, handle the typing and mimeographing of material or any other stenographic service. By calling the Guild office, GL. 4181, your requirements will be filled promptly and efficiently at a discount that is worth considering.

Notify Your Deputy

ALL MEMBERS OF THE SCREEN WRITERS' GUILD ARE ASKED TO ADVISE THEIR STUDIO DEPUTY IMMEDIATELY UPON BEING NOTIFIED BY THE STUDIO OF AN ASSIGNMENT.

Conciliation Commission Report

SINCE the last report published in the August issue, 33 cases have been handled by the Commission on Conciliation, Arbitration and Ethics of The Screen Writers' Guild, under the chairmanship of Seton I. Miller. Twenty-eight of the cases have been settled while five are still pending.

Following is a summary of cases handled by the Commission:

Two cases of writers claiming one
(Continued on Page 27)

The Screen Guild's Magazine

Screen Actors' Guild

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ACTORS' MAGAZINE COMMITTEE

C. Henry Gordon	Murray Kinnell
	Ivan Simpson

Outlook Optimistic

WHILE attendance at the San Diego America's Exposition has dropped considerably since Labor Day, the Motion Picture Hall of Fame continues to receive its proportionate share of support. However, in the past few weeks the operators of the exhibit have been forced to adjust expenses commensurate with the smaller income.

If the history of previous expositions can be used as a guide, the slack period is over. The closing day of the exposition, November 11, still is a little more than four weeks away. In this period, it should be an easy matter to reach the early estimates of 500,000 paid admissions to the film building, which will mean a very pleasing dividend check for the Screen Actors' Guild.

Gillmore Attends Special Meeting

WHILE Frank Gillmore, President of Equity, was in Los Angeles on his annual visit to the West coast, a special meeting of the Board of Directors of the Guild was called in order to discuss plans for a more complete enforcement of the affiliation between Equity and the Guild.

In addition to those announced in another column, certain other definite plans were formulated which the Board of Directors is not at liberty to divulge until they have been presented to the Equity Council. Mr. Gillmore stated that all possible cooperation could be expected from the Equity Council at all times.

You may be assured that everyone in the Guild will benefit by any steps which may be taken to cement the Guild's affiliation with Equity.

Guild And Equity Complete New Arrangement

STRENGTHENING the contract between the Screen Actors' Guild and the Actors' Equity Association, provision has been made for definite penalties to be enforced on Equity members who break the agreement. This new arrangement is a great step forward toward the ultimate goal of GUILD SHOP.

At the same time a new system of dues payment has been worked out by the Guild Board and sent to Class A and Class B members. Under this new system dues rating will be based upon earnings from Motion Pictures according to the member's income. And, fur-

ther, it provides that the dues of Equity members working in Motion Pictures will be combined with the dues paid to the Screen Actors' Guild. This means that you will be paying dues to only one organization instead of two. Also this new system is so designed that it will yield a large enough income for efficient operation of the Guild.

THIS plan will make the Guild more Democratic in its organization as A and B membership classifications will be eliminated. Hereafter, the Guild will have only two branches, the Senior and the Junior Guild, and every member of the Senior Guild will have an equal vote.

Members have been apprised by letter of the details of the plan and have been requested to send in their own income rating so they may be properly classified for dues payment. If this information is not forthcoming within the time specified, members will be automatically classified by the committee in charge.

This system of dues payment is very similar to the one which has been in successful operation with The Screen Writers' Guild for over a year.

Ball Postponed

AT the meeting of the Board of Directors Monday night, October 7, it was decided to hold the Annual Ball sometime in February rather than the usual time, Thanksgiving Eve. It was felt that at the later date actors would be in a position to make the affair the greatest in history.

The Junior Guild

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Bob Elsworth	1st Vice-President
Jay Eaton	2nd Vice-President
Nate Edwards	3rd Vice-President
Aubrey Blair	Secretary and Treasurer

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Charley Drubir	Florence Wix

Dinner Dance A Success

THE splendid cooperation of all the Junior Guild members went a long way toward making the dinner dance, which was held Wednesday evening, September 11, at the Riverside Breakfast Club, a success both socially and financially. It was an enjoyable evening for all who attended due to the efforts of the entertainment committee and a group of Guild members who we take this opportunity to thank.

(Continued on Page 16)

Another Triumph for



"The T

THE THREE MUSKETEERS' A GREAT TREAT FOR ANY AUDIENCE

Abel Delivers
Fine d'Artagnan

"THE THREE MUSKETEERS"

(Radio)

Producer: Rowland V. Lee
Direction: Alexander Dumas
Original Story: Dudley Nichols
Screen Play: Dudley Nichols
Photography: Peverell Marley
Cast: Walter Abel, Paul Lukas, Margot Grahame, Rosamond Pinchot, John Keighin, Moroni Olsen, Onslow Stevens, Ralph Forbes, Nigel Bruce, John Qualen, Murray Kinnell, Lumsden Hare, Miles Mander, Wade Boteler, Stanley Blystone, Ralph Faulkner.

There's so much life and excitement in this thoroughly romantic old story, and there should be no difficulty at all in getting it and selling it big in large communities. Done with a goodly share of humor and excitement, performances, it's a swell production calling for credit for Cliff Reid and all those concerned with its making and those concerned with its marketing.

No changes have been made, except a few cuts for economy's sake that aren't missed. Here's one story that can stand on its own two feet. It's carried through on its own flare and the subtle and elegant suggestion of terrific production.

D'Artagnan comes to life again in the person of Walter Abel. Unfortunately there will be comparison between his conception of the role and Fairbanks' immortalization of it.

Fairbank's will win, but Abel is one grand actor and his interpretation of a brash gallant, swift and sure with the sword, has plenty of merit.

The Three Musketeers, in the capable hands of Onslow Stevens, Paul Lukas and Moroni Olsen, will once more warm our hearts and the days of adventure and knight-hood. All three are grand. Margot Grahame is excellent as Milady de Winter and her partner in crime, Ian Keith as her Kocheton, a sly dog. (It's been said with great flourish) Heathcote is a thoroughly charming Constance.

John Qualen is just elegant as Planchet, and in the brief role of

Miles Mander, Nigel Bruce and

the others, worthy members of the cast.

Rosamond Pinchot as Queen fares rather uncomfortably and is not impressive in her first screen

wonders with a circumscribed area of activity and Marley's photography is a story in itself, particularly the King's

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lend finesse
to the picture.



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The Junior Guild

(Continued from Page 13)

With Scotty Mattraw as master of ceremonies the following entertained during the dinner: Chickie and Gracie; Dandridge Sisters and Etta Jones; Maggie Hathaway, Sun Tan Model; Miss Butler, pianist; Four Hot Chocolates; Duke Upshaw, tap dancer; and Adele Dolores Tuma, singing and dancing. Except for the last named, Kid Herman procured the above entertainers, for which we wish to thank him. Also, we take this opportunity to thank each entertainer for his contribution.

AFTER dinner, Bob Card was responsible for the entertainment and he provided the following: Chuck Baldra, Jack Kirk and John Jones Trio; Feliz Valez, roper; Marty Joyce, clown roper; Sleepy, the harmonica king; Slicker Costello, guitar; Hobart Parker, dance caller; Johnnie Luther and Gang; Harry Ball, Walter Decker, Al Haskell and Johnnie Moore. Mr. Card himself acted as master of ceremonies. Each of the above deserves a vote of appreciation from the entire Junior Guild.

Another feature of the evening's entertainment was the awarding of prizes so generously donated by our members and business friends. They, too, deserve a vote of thanks from the Junior Guild. Each Guilder can show his appreciation, at least in part, by patronizing each of the following doners as much as possible.

A LIST of the prizes and the winners follow:

LADIES' PRIZES

First Prize—Won by E. Henry—Hand Crochet Personality Dress, to be made by Lillian Warde, one of our talented members, who spends all of her time at home and between scenes on sets, crocheting and knitting personality dresses for some of the best dressed women in pictures.

Second Prize—Won by Marin Hoxie—Evening Dress and Wrap donated by Helene Caverly, who has had a great

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reputation as a modiste and now has distinguished herself by selling the greatest number of tickets for the Dinner Dance.

Third Prize—Won by Bee Stephens—Order from Weil's Fashion Salon, 6660 Hollywood Blvd.

Fourth Prize—Won by Bond Davis—Order from Katz Smart Dress Shop, 6418 Hollywood Blvd.

Fifth Prize—Won by Stella Curtis—Order from Georgia Lea Salon de Beaute, 5028 Melrose Ave.

Sixth Prize—Won by Isabelle La Mal—Order from de Sousa Beaute Salon, 1653 N. Wilcox.

Seventh Prize—Won by Paul Rochin,—Order from Rightman's Millinery, 6508 Hollywood Blvd.

Eighth Prize—Won by Evelyn Mackert—Order from Byers Dress Shoppe, 6303 Hollywood Blvd.

Ninth Prize—Won by Lillian Lang—3 Strand White Crystal Necklace.

Tenth Prize—Won by Bee Stephens—3 Strand White Crystal Necklace.

Eleventh Prize—Won by Bert Howard—3 strand White Crystal Necklace.

MEN'S PRIZES

First Prize—Won by Fred Fisher—Suit of clothes made to order by Fredric Seelye.

Second Prize—Won by Julio Bonini—Ronson Cigarette Case and Lighter donated by Bill Ring, Paramount Barber Shop.

Third Prize—Won by Johnny Kacier—Goucho Polo Shirt donated by Sidney's Ltd., 1433 No. Western Ave.

Fourth Prize—Won by Wes Hopper Order from Goodwin's Men's Shoes, 6516 Hollywood Blvd.

Fifth Prize—Won by Eddy Nunn—Order from Hamilton's Shoe Store, 6607 Hollywood Blvd.

Sixth Prize—Won by Max Lucke—Merchandise order from Bullock's Wilshire.

Seventh Prize—Won by G. Periolat—Merchandise order from Broadway Hollywood.

Baseball Team

DURING the past month Red Burger and the Screen Guilds' Baseball Team won two of the four games. To date the aggregation has won two out of every three games, which puts it well in the 600 column, a nice rating for any team in any league.

The team plays every Sunday. It appreciates your support, but realizes that more members would attend if they knew its schedule. This is not arranged long enough in advance to allow its conclusion in the MAGAZINE, but members may call the Guild office to learn where the team is playing.

Reply To Mr. Carroll

A SHORT time ago, Harrison Carroll carried an item in his column which said that Paramount lost a number of pieces of silverware and tin cups when it fed 600 extras on "The Milky Way" set with hot meals rather than the regular box lunch.

To keep the records straight, it must be mentioned that regular registered extras do not take silverware or *tin*, nor do they work for the \$3.20 a day which 530 of the 600 received. The other 70 were registered extras.

MORE JUNIOR GUILD NEWS ON PAGE 19

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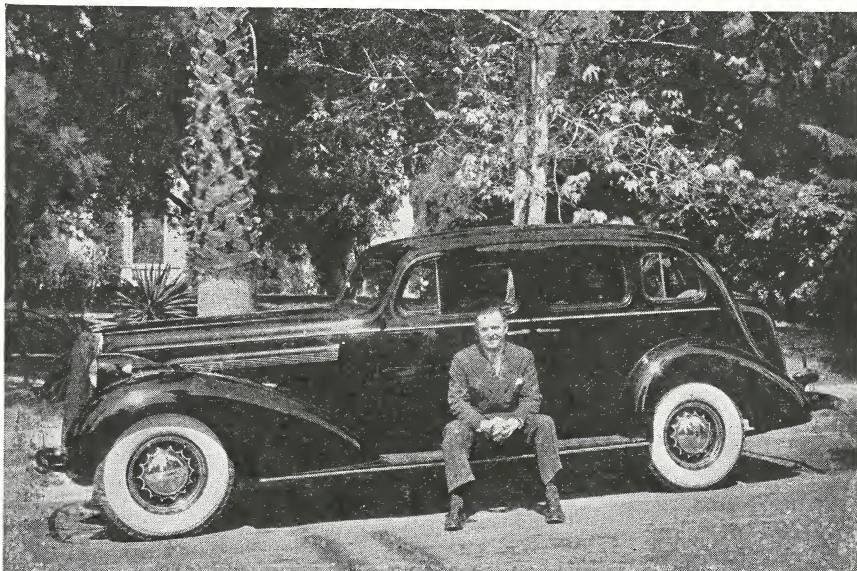
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The Junior Guild

Florence Wix Active

FLORENCE Wix, back from England slightly more than a month, already has taken up where she left off as one of the most active members of the Junior Guild. She has replaced Louise Bates on the Board of Directors. Miss Bates was Miss Wix' alternate on the Board.

Member in Theatrical Production

PLAYING the role of Fraulein Hilda Schmitt, Junior Guild Member Miss Symona Boniface appeared in the recent Vine Street Theatre production, "The King Sleeps." She rendered a pleasing performance and received praise in a number of reviews.

Mel Forrester Added to Advisory Board

MEL S. FORRESTER has been added to the Advisory Board of the Junior Screen Actors' Guild. This brings the membership of the Board up to its full strength of thirty-two.

ADVISORY BOARD

Dick Allen	Jean Ford
Sam Appel	Peter Gardner
Mary Ashcraft	Grace Goodall
Sam Benson	Jack Grant
Buck Bucko	Cliff Heard
Bob Card	Michael D. Jeffers
Adabelle Driver	Otto Kottka
Nellie Farrell	Stella Le Saint
Mrs. Ray Feldman	Billie Locke
Mel S. Forrester	Lee Powell
Scotty Mattraw	Sam Rice
Edmund Mortimer	Loretta Rush
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Our Charming Ten Percenters

(Continued from Page 11)

What agent was handling the son of a famous writer and couldn't understand the lad's hysteria when he, the agent, wanted to put papa's name on a script the boy had written?

* * *

What agent used to insist that his blonde star positively must have a baby in every one of her pictures?

* * *

What agent got barred from his most lucrative lot because a heel writer sent a note to the front office stating the agent was annoying him with sales-visits?

* * *

What actress was thrown out of what agency because she was dissatisfied with five successive scripts?

* * *

What writer got a writer-friend of his a job in agency A to handle clients when first writer was under contract to agency B and writer-friend was under contract to agency C? And who gets the commission and who pays?

* * *

Or is all this too complicated without a libel suit?

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Who Serves Who -- And Who Pays?

(Continued from Page 7)

signed to cut salaries by controlling both sides of the bargain.

This, however, thanks to the opposition of the two Guilds and with the aid of the agents, was defeated.

no credit on the Czars of this industry. We report it herewith merely to illustrate our point.

The commission consisted of FIVE producers (and alternates), one actor, one director, one writer, one technician—and one lone agent (with alternate).

THEN came the NRA. The producers immediately made a further attempt to write this same kind of control into the original NRA Code. The first draft of the Code contained a drastic clause which made all agents subject to the control of a committee which in turn would be under the control of the Code Authority and through it—the producers.

Again, due to the strenuous efforts of the two Guilds, this was prevented. (NOTE: Those few Guild members who wondered why the Guilds were expending time and money for lawyers in Washington during those hazardous days might well peruse the records on file covering that bitter fight!) But the Guilds, for all their efforts, could not prevent the NRA Agency Commission from being set up, whose job was to devise a set of rules GOVERNING agents.

The inside story of that famous commission has never been told. It reflects

THE agent on whose shoulders fell the burden of fighting for all agents in the business was Mr. George Frank. We mention Mr. Frank specifically and we take this opportunity to pay him tribute too long deferred. The cards were stacked against him. And he knew it. His business was being jeopardized if not destined to be ruled out altogether. The producers were against him. He had every reason to imagine that talent was against him, and might use this opportunity to do him in. And he was one against nine. But in the face of all that, throughout those many long and difficult sessions, he was ever utterly reasonable, patient, courteous and courageous.

The job of the commission was to devise a code of fair practice governing agenting relations. Producers had their squawks, and talent had theirs. These, with the reasonableness of Mr. Frank, were in a fair way of being ironed out, and a fine code advantageous to all parties involved might well have come into being and have been prolonged beyond the life of the NRA. BUT—oh, what a sad but—it soon became clear to the talent members that the producers were not really interested in a code of fair practice. That was a mask that cloaked their real purpose which was to coerce talent (dumb actors and writers and the like) into unwittingly creating legislation that would so limit the effective service of agents that talent would wake up one day and discover that his agent wasn't worth a nickle to him.

The rock upon which the committee

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split was Article Five. This clever bit of producer machination provided that agents could only represent clients in BUSINESS negotiations. Which meant that an agent might negotiate a contract, but he was forbidden to come to the aid of his client in a studio when the client was in trouble over any of the clauses in that contract.

A PRODUCER provides himself with every possible aid in the conduct of his business. On every producer's desk is a huge dictaphone to summon to his instant aid his staff of lawyers, negotiators, business experts. But the artist, according to the producer, has no right to call in anybody (least of all his agent) when he needs aid or advice in the conduct of HIS business.

To this vicious Article Five, talent said NO—and the whole code of fair practice was thrown in the waste-basket.

And then the truth came out. The producer was out to destroy the agent—keep him out of studios, make him useless to clients. An artist by himself is easier to deal with. He is a dumb fellow, easy to trick by cajolery and flattery. Take away his business aid, and he is easy pickings for the astuteness of producers.

YET—in the face of all that—agents still seem to think that producers are their friends. They have to 'stay on the right side of them'. They won't declare themselves openly and forever on the side of their clients.

Producers have them cowed.

The producers haven't got the two Guilds cowed however. And if the agents had the good sense to form themselves into a decent, orderly body and ally that body to the Screen Writers' and the Screen Actors' Guilds, their troubles would be over and many of our troubles would be over too.

Literary or Illiterate (Continued from Page 9)

all possible agent abuses, and yet how often have I dreamed of some method of segregating the mass of material prior to the reading department. It was the story agent's province then; it is his province now. But, before he can really function as he should, he must be given the respect he deserves. And, in order to do that, his rank must be cleared of the illiterate dead wood, through the cooperation of the studios and the writers.

It may be a gargantuan task, but it's a necessary one, and cannot be left entirely to evolution. Some more overt plan must be worked out, if ever those of us who tag the word agent to our names, are to achieve the importance and niche of my Emersonian friend.

Emilio Gonzalez, Jr.

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Lowdown On London

RAMON Novarro walking into the Cafe Anglais unrecognized! Helen Hayes kept out of the limelight as much as possible but boyoh boy Merle Oberon came in for columns and columns of publicity! . . . lotsa Hollywoodians in town, Edgar Selwyn at the Savoy, then there's Douglass Montgomery, and Bob Kane and Sidney R. Kent who have gone north for a little Scottish golfing!

Fredric March did all right for himself in the press, too . . . Monta Bell is

By John Paddy Carstairs

. . . The Screen Guilds' Magazine London correspondent reports the month's happenings.

another one here and talking over a deal and it looks as if Neil Hamilton will stay for a Gaumont talkie or a show . . . Greer Garson becomes London's newest star by a whale of a performance in Samson Raphaelson's "Accent on Youth" which show sorta puzzled the critics . . . the press were rather scathing about "Break of Hearts," didn't think Radio boys did right by la Hepburn.

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THE "Ivy" restaurant still draws the Shots for lunch . . . Noel Coward, Monckton Hoffee, Marie Tempest among the thespian bigwigs glimpsed there the other day . . . they called "Annapolis Farewell" "Gentlemen of the Navy" here; rather cute, huh? . . . wow! but the business that "China Seas" has been doing at Metro's Empire . . . and how they yell at Bob Benchley! . . .

Greg La Cava must have been pleased at the raves his "She Married Her Boss" got and just in time for his arrival too . . . nice woik, Columbia! . . . John Monk Saunders has the swellest assignment, scripting the "Life of Lawrence of Arabia" for Alex Korda! . . . Arthur Street Singer Tracey doing one for Herbert Wilcox.

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GR. 0717 6233 Hollywood Blvd.**Why Is An Agent?
Or the Ten Percentury of Progress**

WHY is an Agent?" That is the query your editor put to me. Really, it seems to me a bit abstract, rather like the old question "Why is a duck?" And I don't mean the one Joe Penner has been trying to sell with so little success. But come to think of it, perhaps that particular duck will give us a point to hammer on, or sit on—not the duck either, but Joe's inability to sell it.

We are confronted with a definite commercial problem, a fundamental of salesmanship; the duck must have some defects, or the salesman must be lacking in that necessary persuasiveness which might enable him to dispose of his commodity, the duck.

Now if we consider in place of Joe Penner, the agent (artist's manager, business representative, flesh peddler—call him what you will) and in place of the duck, the artist (how I love that word; it gives such dignity to the ham and the hack) we have the plot for an allegorical fable, or, as Mr. Aesop succinctly put it, "sour grapes."

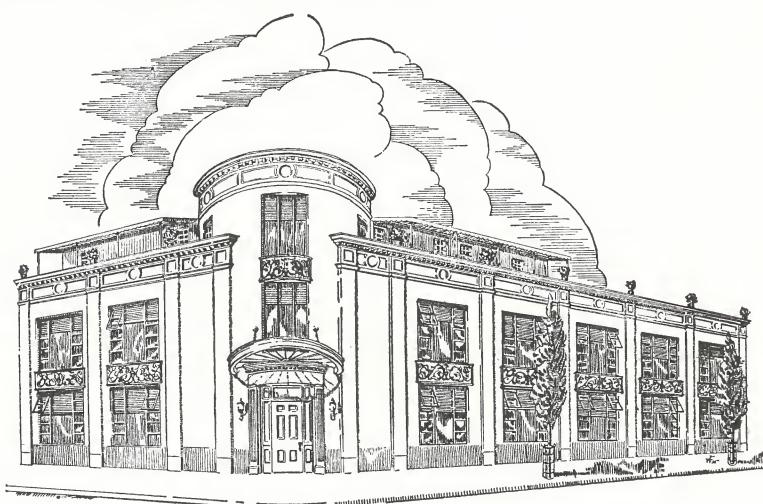
**By Professor M. Godfrey
Mortimer Dwill**

. . . Author of "The Bourbonic Plague, or Here's How Down The Rat-hole," "Lizards of Lesbia," etc., etc.

MR. PENNER has demonstrated by his repeated failure as a salesman, that the artist has no predilection for disposing of a commodity. My study of the Motion Picture business has convinced me that the artist is considered by the producer as a commodity—one of several which he needs for the assembly in his manufactory of a finished product that can be sold to Mr. and Mrs. G. W. Public. (The G stands for Gullible. Note: See author's monograph, "Gullible's Travels". Can be found in any Chic Sale reading room.)

What does a commodity look for? You guessed it—someone to sell it. But did our artist commodity seek for a salesman? Not in this case, because for a long time the artist did not realize he was a commodity. He thought of himself as a God-given gift to the optics of the world (that is when properly photographed from the right side so the mole didn't show.)

The situation created a vacuum, an empty hole between commodity and buyer. Nature abhorring—among other things—a vacuum, popped into the empty hole—what do you think? Again you guessed it—or, did you?—old Bre'r Fox. (Not William, my little nincompoops, this is an allegory.) And who should this turn out to be but our best pal and severest critic, the agent. Whence he came no one knows. Whither he goes—but that would fill a book (snappy reading, too) and all I was asked to do was answer a simple question.

Eddie Schmidt*Tailor to Ladies and Gentlemen . . .*

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The agent having been conceived with these fox-like qualities, scented from afar those juicy grapes that might be plucked for his commodities and incidentally—oh, very incidentally—for himself. So he twined vine leaves in his hair and in the hair of casting directors and executives, when he could catch them. Under the inebriating shade of the vine, he further intoxicated them with words, glorious words, twenty-four sheet phrases, superlatives to put a Barnum to shame, glamorous clauses descriptive of the breath-taking beauties (some of old vintage) and the rare talent of his commodities. The buyers were impressed—or befuddled—and parted with larger and larger bunches of the juicy grapes.

Not always did they part with them willingly—nay, many times their screams rocked the foundation of the wailing wall—they were robbed! cheated! such big bunches were bad for the commodities! would sour their stomachs, would give them indigestion of the temperament and swelling of the ego!

And the commodities, were they happy? Again, nay—they, too, wailed and tore their hair—rival commodities were getting bigger bunches! buyers were plucking for them from the heaviest laden branches.

AND did Bre'r Fox wail—only occasionally very pianissimo. He twined fresh vine leaves in his whiskers, distilled more of the juice of his ten per centum of the grape harvest, and sallied forth with more dazzling superlatives, more iridescent bait.

Some of the tribe, with cellars full to bursting, became slothful and heavy. (A condition known in the vernacular as 'plumbum ad posterium'). But did they retire to meditate on the immense benefits they had meted out by filling the aforementioned vacuum? Nay, nay, a thousand times nay! They trained new little foxes at ten percentum of their ten percentum, dug new cellars and ordered a fresh supply of kegs, barrels, tuns and vats.

So you see, my little simple ones, this

is not a story with Finis at the end but a continued one, as ever and anon the grapes grow heavy on the vines ready to be plucked by the clever little fox, who can elude the zealous guardians of the harvest.

Which takes us back to the original query "Why is an Agent?" And we give you the answer. It is the same as the answer to "Why is a Duck?" Simple, irrefutable—here it is—"Because an egg has no corners."

Quod Erat Demonstrandum.

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The Agents Reply . . .

(Continued from Page 10)

QUESTION eight asked, "Have studios ever forced you to jeopardize the interests of one client in order to protect your position at the studio in relation to other clients?" "Individual cases rest upon their merit" says one answer. It continues, "Speaking from personal experience, I have never found a situation wherein one client's interests would be jeopardized by that of another." And all of the answers to this question were "No."

"Have you ever been refused admittance to any studio because of your efforts to protect your clients?" asked question nine. Two admitted they had. The others answered in the negative.

The two who answered 'Yes' appended interesting comments. "Any agent who fights for his client's rights, as he should, will from time to time incur the enmity of executives who, sometimes in the heat of argument, fail to realize that it is the agent's duty to protect his client. As a result the agent is barred. But the condition is corrected, usually, in short order."

The other said, "Yes, I have been

barred occasionally from the studios. Once for a definite stand on all my clients, and in several instances for stands on individuals. I have never had undue trouble correcting this situation very quickly. It shouldn't be regarded too seriously as it never lasts long."

COOPERATION among agents is the rule rather than the exception if the answer to question ten which asked "Do you cooperate with other agents?" is a criterion. All answered it "Yes", though one qualified his answer with "... we do not split commissions with other agents, but it is our policy that when we hear of a possible engagement for another artist, and we have no one to fit that particular assignment, we communicate with the other agent. We do not, however, either accept or give commissions to other agents . . ."

The preceeding is the shadow of the article that should have been. Maybe, at some future date, the subject will find its way into these pages again.

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Screen Writers' Guild

(Continued from Page 12)

week's salary from major studios in lieu of a week's notice.

Decision—*Money collected.*

Writer claimed she was unable to obtain return of scripts from agent who was no longer representing her.

Decision—*Scripts returned to writer.*

Writer brought plagiarism suit against major studio.

Decision—*Charges not substantiated.*

Writer received first payment on original material balance to be paid within a specified period. Purchaser had not made payment on date specified.

Decision—*Balance of amount due collected.*

Writer brought plagiarism suit against major studio.

Decision—*Guild's counsel ruled there was no basis for plagiarism suit.*

Writer claimed major studio had made bid for original story. Writer claimed balance of amount owing on contract not paid. Asked for return of material or money.

Decision—*Money collected.*

Two cases of writers bringing charges of plagiarism against other members.

Decision—*Charges not substantiated.*

Writer complained that major studio had contracted for material furnished. Writer claimed balance owing on contract not paid.

Decision—*Settlement made.*

Member sold story to publishing house. Story accepted. Payment not made.

Decision—*Case pending.*

Two cases where writers complained that independent studio had contracted for material furnished and balance owing on contract not paid.

Decision—*Settlement made.*

Member complained against another member that she shared co-authorship with writer on screen play which was later sold by the writer complained against. No written contract had been entered into.

Decision—*Complaint upheld. Financial settlement made.*

Writer claimed that major studio had plagiarized original story submitted by

him to studio. Guild's attorney decided sufficient basis for suit.

Decision—*Writer asked Guild to withdraw claim.*

16 credit controversies.

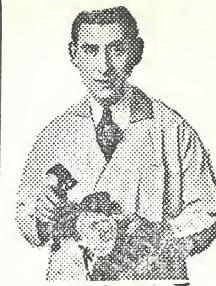
Decision—*Five cases where members had not contributed sufficient work to entitle them to screen credit. Two cases pending. Nine cases settled amicably.*

Two charges of unfair advertising.

Decision—*Pending.*

Asks For Sufficient Time

SETON I. MILLER, Chief Conciliator, asks that writers submitting credit controversies bring them to the attention of the Commission in sufficient time to permit action being taken prior to the preview of the picture.



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— A —

A. N. Abel, Auctioneer 26
Ambassador Hotel Cocoanut Grove 25

— B —

C. C. Brown's, Candies 16
Butler's, Massage 25

— C —

Carl Curtis School 20
Jacques Chambrun, Literary Agent Back Cover

Collier-Webber-Todd, Inc., Managers 21

— D —

Dermetics Salon, Cosmetics 16
Otto Didt, Custom Tailor 20
Henri Dugal, Cognac 27

— E —

Mike Elwood, Liquors Inside Front Cover

— F —

Max Factor Make-Up Studio 14, 15

Film Fan Foto Co. 19
Frank and Dunlap, Agency 24
Frank of Hollywood, Beauty Salon 24

— G —

Emilio Gonzales, Jr., Liquors 21
Gordon's Liquor Store 16
Gotham Liquor Store 19
Griffis Sporting Goods 19

— H —

Hahn's Flowers 19
Hand the Hatter 27
Hansel-Gretel School 20
Dr. B. D. Hirsh, Optometrist 16
A. A. Hokom, Plumber 20
Hollywood Brass Rail Cafe 21
Howard Automobile Co., Buick 17

— I —

Italian Products, Imported and Domestic Groceries 24

— J —

Ben Jackson-Harold Leyton, Inc., Agency 19
Dr. H. B. F. Jervis, Veterinarian 16
Jones Health Food Stores 22

— L —

Lamaze Cafe Inside Front Cover
Traylor Lane, Publisher 18
Lyons, McCormick and Lyons, Agency 26

— M —

Macy Jewelry Co. 17

Zeppo Marx, Inc., Agency Inside Front Cover
William Morris Agency, Inc. 28

— O —

Office Appliance Co. 22
Orsatti and Company, Agency 22

— P —

Parisian Florist 17
Theodore Parker, Massage 26
Mrs. Patten's Employment Agency 17
Perino's Restaurant 20
Pesterre's, Tailors 16

— Q —

Queen Restaurant 16

— R —

Randolph Party Bureau 16

— S —

Sam "The Shoe Doctor" 27
Sardi's Restaurant 20
Eddie Schmidt, Custom Tailors 24

Myron Selznick, Inc., Agency Inside Back Cover

Kohl Smith, Interior Decorator 18

Earl Starr, Jeweler 16

— T —

David H. Thompson, Agency 27

— W —

Weiss Hungarian Csarda 19

Wine's Antique Shop, Ltd. 18

Guy E. Wolfe, Watchmaker 17

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